

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 2:24-cr-00098

TRACY DON JACKSON, JR.

**MEMORANDUM OPINION AND ORDER**

On March 4, 2025, came the defendant by counsel Olubunmi Kusimo-Frazier for a hearing on defendant's motion to suppress filed February 20, 2025. Assistant United States Attorney Lesley Shamblin appeared for the government.

The hearing did not go forward as planned because defendant moved to continue the hearing for six weeks to review supplemental discovery recently provided. The government did not object but noted its desire to reschedule the hearing before one of its witnesses relocates to another state on May 4, 2025.

The court granted the continuance. At the hearing the court said it would be for sixty days. However, this would move the hearing beyond May 4, which will unnecessarily inconvenience the government's witness. Instead, the court will grant the continuance for six weeks, as defendant requested. Therefore, the court **ORDERS** as follows:


- (1) The pretrial motions hearing is hereby rescheduled for April 30, 2025, at 1:00 p.m. in Charleston; and
- (2) The trial is rescheduled to June 3, 2025, at 9:30 a.m. in Charleston.

Because the failure to grant the requested continuance would likely result in the miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and public in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(7)(B)(iv).

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Office of this court.

**IT IS SO ORDERED** this 5th day of March, 2025.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge